

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ELIO SALINAS,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION;  
EQUIFAX INFORMATION SERVICES  
LLC; and TRANSUNION, LLC,

Defendants.

Case No. 1:24-cv-01004-KES-CDB

ORDER ON JOINT MOTION CONTINUING  
SCHEDULING CONFERENCE AND  
DEADLINE TO FILE JOINT SCHEDULING  
REPORT

ORDER DIRECTING PARTIES TO SEEK  
COURT ORDER TO APPROVE *NUNC PRO  
TUNC* STIPULATED EXTENSION OF TIME

(Doc. 19)

**5-day Deadline**

**Background**

Pending before the Court is the parties' joint motion to extend by 90 days the current date set for the scheduling conference and the deadline to file a joint scheduling report on the grounds that Defendants U.S. Department of Education ("DoE") and Equifax Information Services, LLC ("Equifax") have yet to file a responsive pleading and have requested extensions to their responsive deadlines in order to complete their investigations and attempt resolution of the claims against each Defendant. (Doc. 19). The parties provide the instant request is made in good faith and will not prejudice the parties to this case. *Id.*

Previously, the parties purported to enter into stipulated agreements to extend

Defendants' time to file a responsive pleading, culminating in the parties' earlier joint motion to continue the scheduling conference. *See* (Doc. 16). The Court denied that motion without prejudice in an order noting that the motion did not comply with Local Rules requiring (1) Court approval of any extension of time in excess of 28 days, and (2) transmission of a proposed order in Word format to the assigned magistrate judge's chambers. (Doc. 20). Among other things, Plaintiff and DoE purported to have agreed to extend DoE's deadline to file a responsive pleading from November 8, 2024, to January 3, 2024, pursuant to Local Rule 144. *Cf.* (Doc. 8 [setting deadline for responsive pleading as 11/8/2024]) *with* (Doc. 12). However, such an extension requires Court approval. *See* Local Rule 144(a) ("All other extensions of time [in excess of an initial 28-day extension] must be approved by the Court.").

For good cause shown, the Court will grant the parties' motion to continue the scheduling conference and the time to file a joint scheduling report. However, because the parties appear to have agreed improperly to extend Defendants' time to file a responsive pleading without the necessary court order, the parties will be directed to seek a court order to approve *nunc pro tunc* any stipulated request for an extension of time that complies with the applicable Local Rules.

### **Conclusion and Order**

Accordingly, it is HEREBY ORDERED that the scheduling conference set for November 19, 2024, be continued to February 18, 2025, at 10:00 a.m. The parties are directed to file a joint scheduling report in advance of the reset scheduling conference by February 11, 2025.

It is FURTHER ORDERED that the parties SHALL FILE within five (5) days of entry of this order a stipulated request for order approving *nunc pro tunc* any extension of any defendant's time to file a responsive pleading beyond an initial extension of no more than 28 days.

IT IS SO ORDERED.

Dated: November 7, 2024

  
UNITED STATES MAGISTRATE JUDGE